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U.S. DISTRICT COURT  
NO. DIST. OF CA, S.J.

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Soquel, CA 95073  
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In the United States District Court  
for the Northern District of California

ROGER SCHLAFLY, Plaintiff ) Case C-94-20512 SW PVT  
v. )  
PUBLIC KEY PARTNERS, and ) Expedited Motion to  
RSA DATA SECURITY INC., Defendants. ) Continue Discovery  
Magistrate Trumbull

Plaintiff Schlafly moves for a postponement of the discovery cutoff so that some essential discovery can be completed. Schlafly also asks that this motion be heard on an expedited basis, because of the scheduled imminent close of discovery.

Schlafly served a document request paper on Jan. 30. Defendants objected to all the requests, and did not produce any documents. Schlafly scheduled a "meet and confer", and attempted to reach a compromise on the requests. No compromise was reached, and no documents were produced. Schlafly attempted to find a way to narrow the requests, but was unable to find wording that defendants would find satisfactory.

1 Schlafly sought out a lawyer to represent him in the matter. He  
2 eventually found one, and he attempted to resolve the discovery  
3 problem, but with no success. He then brought a motion to compel  
4 production before Magistrate Infante. The motion was denied  
5 because the requests were judged to be too broad. But there has  
6 been no denial that most of the documents requested are relevant  
7 to the case. Therefore, Schlafly has made new narrower requests,  
8 which are attached.

9  
10 The discovery cutoff is July 31, 1997. Schlafly moves to extend  
11 the cutoff to allow time for completion of the document production,  
12 review of the documents, and for any consequential depositions.

13  
14 This case pertains to certain cryptography patents, the licensing  
15 of related technology, and alleged monopolistic collusion to  
16 control the cryptography market. The documents requested relate to  
17 those patents, the licensing, and agreements among the defendants  
18 to control the technology. The documents are essential to the case,  
19 and Plaintiff will be substantially prejudiced if access to these  
20 documents is denied.

21  
22 Dated: July 28, 1997

23  
24 By:  \_\_\_\_\_

25 Plaintiff, Roger Schlafly  
26  
27  
28

1  
2 Roger Schlafly, Pro Se  
3 PO Box 1680  
4 Soquel, CA 95073  
5 telephone: (408) 476-3550  
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9 In the United States District Court  
for the Northern District of California

10 ROGER SCHLAFLY, Plaintiff ) Case C-94-20512 SW PVT  
11 v. )  
12 ) Schlafly Declaration #5  
13 PUBLIC KEY PARTNERS, and )  
14 RSA DATA SECURITY INC., Defendants. ) July 28, 1997  
15  
16  
17

18 Declaration on patent issues

19 I, Roger Schlafly, declare:

20 1. I am the Plaintiff in this case.

21 2. I have personal knowledge of each and every fact set forth below  
22 and can competently testify thereto.

23 3. I served a document request paper on Jan. 30.

24 4. Defendants objected to all the requests, and did not produce any  
25 documents.

26 5. I scheduled a "meet and confer", and attempted to reach a  
27 compromise on the requests. No compromise was reached, and no  
28 documents were produced.

1 6. I attempted to find a way to narrow the requests, but was unable  
2 to find wording that defendants would find satisfactory.  
3

4 7. I sought out a lawyer to represent him in the matter. I  
5 eventually found one, and I attempted to resolve the discovery  
6 problem, but with no success.  
7

8 8. My lawyer then brought a motion to compel production before Mag.  
9 Infante. The motion was denied because the requests were judged  
10 too broad.  
11

12 9. I believe that defendants have discoverable documents that are  
13 highly pertinent to issues in this case.  
14

15 10. I have at all times attempted to resolve this discovery dispute  
16 in an orderly and efficient manner.  
17

18 11. I declare under penalty of perjury under the laws of the United  
19 States that the foregoing is true and correct. Executed on July 28,  
20 1997 in Soquel, California.  
21

22 By:   
23 \_\_\_\_\_

24 Roger Schlafly  
25  
26  
27  
28

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PO Box 1680  
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In the United States District Court  
for the Northern District of California

ROGER SCHLAFLY, Plaintiff	)	Case C-94-20512 SW PVT
	)	
v.	)	Request for Documents #4
	)	
PUBLIC KEY PARTNERS, and	)	
	)	
RSA DATA SECURITY INC., Defendants.	)	July 28, 1997

Request for document production, as per Rule 34.

Definitions:

PARTIES - Public Key Partners ("PKP"), RSA Data Security Inc  
("RSADSI"), Cylink, and/or Caro-Kann.

PATENTS - Diffie-Hellman 4,200,770; Hellman-Merkle 4,218,582; MIT  
4,405,829; and/or Schnorr 4,995,082.

ACTIONS - All litigation or arbitration actions among any of the  
PARTIES, where the action concerned validity, scope, or licensing  
of any of the PATENTS, or raised PKP partnership issues.

DOCUMENTS - All documents and things, and having the broadest  
meaning defined by Rule 26 and 34, and including writings and  
recordings as defined by FREvid Rule 1001.

Conjunctions and disjunctions are to be interpreted in a way as to  
include the maximum number of documents.

1 Plaintiff Roger Schlafly requests:  
2

3 1. All DOCUMENTS discussing, referring to, or related to the  
4 validity of the MIT patent, No. 4,405,829.  
5

6 2. All DOCUMENTS discussing, referring to, or related to the scope  
7 of the MIT patent, No. 4,405,829.  
8

9 3. All DOCUMENTS discussing, referring to, or related to the  
10 licensing of the MIT patent, No. 4,405,829.  
11

12 4. All DOCUMENTS in the PKP arbitration, including briefs,  
13 letters, or discovery, discussing, referring to, or related to the  
14 PATENTS.  
15

16 5. All DOCUMENTS in which RSADSI or PKP discussed, referred to, or  
17 argued its position with respect to the validity of the Stanford  
18 patents.  
19

20 6. All DOCUMENTS in which RSADSI or PKP discussed, referred to, or  
21 argued its position with respect to the scope of the Stanford  
22 patents.  
23

24 7. All DOCUMENTS showing, discussing, or referring to RSADSI's  
25 revenues from licensing any or all of the PATENTS.  
26

27 8. All DOCUMENTS showing, discussing, or referring to PKP's  
28 revenues from licensing any or all the PATENTS.

1 9. All DOCUMENTS showing, discussing, or referring to RSADSI's  
2 revenues from licensing any or all software or technology covered  
3 by the PATENTS.

4  
5 10. All DOCUMENTS showing, discussing, or referring to RSADSI's  
6 revenues from licensing any other cryptographic software.

7  
8 11. All DOCUMENTS discussing, referring to, or related to all  
9 agreements (whether proposed or draft agreements negotiating  
10 positions and the like), between RSADSI and Cylink or Caro-Kann  
11 regarding licensing of the PATENTS or software covered by the  
12 PATENTS.

13  
14 12. The PKP partnership agreement(s), including all amendments,  
15 modifications, or changes thereto.

16  
17 12. All correspondence, memorandum, or other DOCUMENTS  
18 discussing, referring to, or relating to the formation or purpose  
19 or intended business of the PKP partnership, including, marketing  
20 plans, projections, or licensing of any PATENTS.

21  
22 13. All DOCUMENTS discussing, referring to, or relating to the  
23 obligations of the partners of PKP to each other, and whether they  
24 were meeting those obligations.


25  
26 14. All DOCUMENTS discussing, referring to, or related to any  
27 financial reports, memorandum, or analysis of the cryptography  
28 market.

1 15. All DOCUMENTS discussing, referring to, or relating to how the  
2 Stanford, MIT, and Schnorr PATENTS affect the cryptography market.

3  
4 16. All DOCUMENTS discussing, referring to, or related to the  
5 scope of the Schnorr patent.

6  
7 17. All briefs, rulings, transcripts, and recordings in the  
8 ACTIONS which contain any discussion of the validity, scope, or  
9 enforcement of the PATENTS.

10  
11  
12 Dated: July 28, 1997

13 By:  \_\_\_\_\_

14 Plaintiff, Roger Schlafly  
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CERTIFICATE OF SERVICE

Schlafly v. Public Key Partners and RSA Data Security Inc.  
Case No. C-94-20512-SW, (PVT).  
Filed on July 27, 1994, San Jose, Calif.

The undersigned hereby certifies that he caused a copy of:

Expedited Motion to Continue Discovery  
Schlafly Declaration #5  
Request for Documents #4

to be served this date by First Class Mail upon the  
persons at the place and address stated below which is  
the last known address:

Thomas R. Hogan  
60 S Market St Ste 1125  
San Jose, CA 95113

Robert D. Fram  
Heller et al  
525 University Ave  
Palo Alto, CA 94301


and to be emailed to the following:

Patrick Flinn, internet!pflinn@alston.com  
Karl J. Kramer, internet!kkramer@mofo.com  
Robert Haslam, internet!rhaslam@hewm.com

I declare under penalty of perjury under the laws of the State  
of California that the foregoing is true and correct.

Executed in Soquel, Calif. at the date below.

Dated: July 28, 1997

By:   
Plaintiff, Roger Schlafly